



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 7, 2017

System No. 0310004

Mr. Jeff Gardner, City Manager
City of Plymouth
P.O. Box 429
Plymouth, CA 95669

TRANSMITTAL OF CITATION NO. 01_10_17C_016 FOR FAILURE TO COLLECT STAGE 2
DISINFECTION BYPRODUCTS SAMPLES IN ACCORDANCE WITH APPROVED MONITORING PLAN

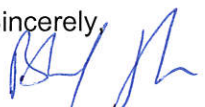
Dear Mr. Gardner,

The City of Plymouth (hereinafter "City") Water System (System No. 0310004) failed to collect both Stage 2 Disinfection Byproduct samples in accordance with the approved Stage 2 Disinfection Byproducts monitoring plan, as specified in Chapter 15.5, Title 22, California Code of Regulations. The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01_10_17C_016, in response to this violation. The Citation is being transmitted to the City under cover of this letter.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code section 116625) or Article 9 (commencing with Health and Safety Code section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at Brian.Kidwell@waterboards.ca.gov, or by phone at (209) 948-3963.

Sincerely,


Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments: Citation No. 01_10_17C_016

Certified Mail No. 7004 2890 0002 0057 9935

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | www.waterboards.ca.gov

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**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64534(g)
WATER SYSTEM NO. 0310004
CITATION NO. 01_10_17C_016
Issued on September 7, 2017**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter “Board”), acting by and through its Division of Drinking Water (hereinafter “Division”) and the Deputy Director for the Division (hereinafter “Deputy Director”), hereby issues a citation to the City of

1 Plymouth (hereinafter, "City") (P.O. Box 429 Plymouth, CA 95669) for violation of
2 California Code of Regulations (CCR), Title 22, Section 64534 subsection (g).

3
4 **APPLICABLE AUTHORITIES**

5 **Section 116650 of California Health and Safety Code provides:**

6
7 (a) If the Division determines that a public water system is in violation of this chapter
8 or any regulation, permit, standard, citation, or order issued or adopted thereunder,
9 the Division may issue a citation to the public water system. The citation shall be
10 served upon the public water system personally or by certified mail. Service shall be
11 deemed effective as of the date of personal service or the date of receipt of the
12 certified mail. If a person to whom a citation is directed refuses to accept delivery of
13 the certified mail, the date of service shall be deemed to be the date of mailing.

14
15 (b) Each citation shall be in writing and shall describe the nature of the violation or
16 violations, including a reference to the statutory provision, standard, order, citation,
17 permit, or regulation alleged to have been violated.

18
19 (c) A citation may specify a date for elimination or correction of the condition
20 constituting the violation.

21
22 (d) A citation may include the assessment of a penalty as specified in subdivision (e).

23
24 (e) The Division may assess a penalty in an amount not to exceed one thousand
25 dollars (\$1,000) per day for each day that a violation occurred, and for each day that a
26 violation continues to occur. A separate penalty may be assessed for each violation.

1 California Code of Regulations, Title 22, Section 64534, subsection (g) provides,
2 in relevant part:

3
4 (g) Systems that fail to monitor in accordance with the monitoring plan required by
5 section 64534.8 shall be in violation of the monitoring requirements, and shall notify
6 the public pursuant to sections 64463, 64463.7, and 64465, in addition to reporting to
7 the State Board pursuant to sections 64537 through 64537.6.

8
9 **STATEMENT OF FACTS**

10 The City water system is operated under Water Supply Permit No. 03-10-95P-007,
11 which was issued on December 12, 1995.

12
13 The City water system is publically owned, and operated by the Amador Water
14 Agency. The City is located in Amador County, on California Highway 49, just south
15 of Placerville. The service area is approximately one square mile in size. The water
16 system is classified as a community water system that serves primarily residential
17 customers living within the City's service area. The water system serves
18 approximately 1,060 people through 480 service connections.

19
20 Purchased treated surface water is obtained from the Amador Water Agency's Tanner
21 Plant. The purchased treated water is re-chlorinated and stored in a 500,000-gallon
22 water storage tank. The distribution system is maintained as two pressure zones and
23 is gravity fed from the storage tank. Pressure reducing valves are located throughout
24 the water system.

25
26 According to the City's approved Stage 2 Disinfection Byproducts monitoring plan,
27 dated July 2017, two samples are to be collected in the third week of the third month



1 in each quarter. On September 6, 2017, the Division was notified, via an email from
2 Andrea Hinton, from the Amador Water Agency, that neither of the required Stage 2
3 Disinfection Byproducts samples were collected in the third week of the third month in
4 the third quarter (August 2017).

5
6 It should be noted that the Stage 2 Disinfection Byproducts samples were collected on
7 September 7, 2017.

8
9 **DETERMINATION**

10 The Division has determined that the City failed to comply with the requirements of
11 Section 64534(g) due to the fact that the City failed to collect the required Stage 2
12 Disinfection Byproducts samples in accordance to the approved Stage 2 Disinfection
13 Byproducts monitoring plan.

14
15 **DIRECTIVES**

16 The City is hereby directed to take the following actions:

- 17
- 18 1. By October 10, 2017, the City shall submit a plan that includes details to
19 ensure the water system does not miss future Stage 2 Disinfection Byproducts
20 monitoring.
 - 21
 - 22 2. Failure to conduct Stage 2 Disinfection Byproducts monitoring in accordance
23 with the approved Stage 2 Disinfection Byproducts monitoring plan is
24 considered a monitoring and reporting violation. As a result, the City is
25 required to notify the consumers of this violation in the 2017 Consumer
26 Confidence Report, which is required to be distributed to all customers by July
27 1, 2018. The City must also complete the attached Proof of Notification form

1 and submit it to the Division, with a copy of the 2017 Consumer Confidence
2 Report, by October 1, 2018.

3
4 The Division reserves the right to make such modifications to this Citation as it may
5 deem necessary to protect public health and safety. Such modifications may be
6 issued as amendments to this Citation, and shall be deemed effective upon issuance.

7
8 Nothing in this Citation relieves the City of its obligation to meet the requirements of
9 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
10 issued or adopted thereunder.

11
12 All submittals required by this Citation shall be submitted to the Division, via electronic
13 delivery, at the following address:

14
15 Brian.Kidwell@waterboards.ca.gov
16

17 **PARTIES BOUND**

18 This Citation shall apply to and be binding upon the City, its officers, directors,
19 shareholders, agents, employees, contractors, successors, and assignees.

20
21 **SEVERABILITY**

22 The Directives of this Citation are severable, and the City shall comply with each and
23 every provision thereof, notwithstanding the effectiveness of any other provision.

24
25 **FURTHER ENFORCEMENT ACTION**

26 The California SDWA authorizes the Board to: issue citation with assessment of
27 administrative penalties to a public water system for violation or continued violation of

1 the requirements of the California SDWA or any permit, regulation, permit or order
2 issued or adopted thereunder including, but not limited to, failure to correct a violation
3 identified in a citation or compliance order. The California SDWA also authorizes the
4 Board to take action to suspend or revoke a permit that has been issued to a public
5 water system if the system has violated applicable law or regulations or has failed to
6 comply with an order of the Board; and to petition the superior court to take various
7 enforcement measures against a public water system that has failed to comply with
8 violates an order of the Board. The Board does not waive any further enforcement
9 action by issuance of this citation.

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13 Date

9/7/17

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Bhupinder S. Sahota, P.E.,
District Engineer, Stockton District
Division of Drinking Water
State Water Resources Control Board

Attachments:

1. Public Notification
2. Proof of Notification Form

Certified Mail No. 7004 2890 0002 0057 9935



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Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing procedure violations and notification language in italics unchanged. This language is mandatory [64465].

¹ CCR may be used as long as public notification timing and delivery requirements are met [64463.7(d)].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Monitoring Requirements Not Met for [System]

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
	[number] sample every [number][time interval]			

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. _____

Consumers Notified _____ Yes _____ No

If not, Explain: _____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

I hereby declare the foregoing to be true and correct under penalty of perjury.

Dated: _____

Signature of Person Serving Notice

****Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 10 days of giving public notice.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.